



Chesterfield County, Virginia

Memorandum

DATE: November 26, 2008

TO: The Chesterfield County Planning Commission

THROUGH: Kirk Turner, Planning Director

FROM: Richard M. McElfish, P.E. and Scott Flanigan

SUBJECT: **Proposed Amendment to the Ordinances Relating to Water Quality in the Upper Swift Creek Watershed – (Mass Grading)**

Below is an explanatory summary and proposed amendment relating to the water quality in the Upper Swift Creek Watershed. The amendment was developed as a result of the recently approved Upper Swift Creek Plan Amendments.

The proposed changes are based on input from both staff and the Planning Commission work sessions and previous public hearings. At the October 21, 2008 work session, the Planning Commission voted to schedule a Public Hearing for Tuesday, December 16, 2008.

Erosion caused by stormwater is detrimental to water quality due to displaced sediment into streams. Most erosion occurs during construction activities. Areas under construction are characterized by increased erosion of unprotected, exposed soil during rain events. Excessive pollutant loads can be produced from construction areas if proper erosion-control practices are not implemented. Even with proper implementation of erosion-control practices, siltation from construction sites are significantly higher than from stabilized or natural areas. Minimization of grading reduces the area of development exposed to rain water thereby reducing sediment discharges, which impact natural resources and waterways and damage down stream property.

Staff recommends that, at the Public Hearing, the Commission approve the proposed amendments and recommends adoption to the Board of Supervisors.

Summary of Proposed Amendments to Ordinances Relating to Water Quality in the Upper Swift Creek Watershed

Erosion and Sediment Control Ordinance

- **Section 8-1. Definitions.** The proposed amendment defines the term “Mass Grading”.

- **Section 8-2. Prohibited Activities and approval of land-disturbing activity.** The proposed amendment allows for the county to prohibit “Mass Grading” of residential developments having an average lot size greater than 10,000 square feet during subdivision development and home construction, but does not regulate lots greater than 10,000 square feet after issuance of COs.

Upper Swift Creek Watershed

Sec. 19-238. Development regulations.

Any use, development or redevelopment of land in the Upper Swift Creek Watershed shall meet the following performance criteria:

- (a) No more land shall be disturbed than is necessary to provide for the desired use or development and mass grading, as defined in Section 8-1, is prohibited;

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- (2) *That this ordinance shall become effective immediately upon adoption.*

Attachment

08rmm068memo

DRAFT: MASSGRADING

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY OF CHESTERFIELD, 1997,
AS AMENDED, BY AMENDING SECTIONS 8-1 AND 8-2 OF THE EROSION AND
SEDIMENT CONTROL ORDINANCE AND SECTION 19-238 OF THE ZONING
ORDINANCE RELATING TO DEVELOPMENT STANDARDS FOR MASS GRADING
IN THE UPPER SWIFT CREEK WATERSHED

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) *That Sections 8-1, 8-2, and 19-238 of the Code of the County of Chesterfield, 1997, as amended, are amended and re-enacted to read as follows:*

CHAPTER 8
EROSION AND SEDIMENT CONTROL

Sec. 8-1. Definitions.

(a) When used in this chapter, the following terms shall have the following meanings:

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Mass grading: The process of altering existing ground contours of more than 80% of the area of any single residential lot as shown on approved construction plans provided, however, that mass grading does not include ground contour alteration of lots (i) that are less than 10,000 square feet; (ii) of more than 10,000 square feet after issuance of a certificate of occupancy for a primary residence on the property or (iii) as otherwise approved by the director of environmental engineering when necessary for storm water management purposes. The director's decision to deny a request for an exception to the mass grading prohibition for storm water management purposes may be appealed to the Circuit Court in accordance with Section 8-16 of this chapter.

Sec. 8-2. Prohibited Activities and approval of land-disturbing activity.

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(g) Mass grading is prohibited in the Upper Swift Creek Watershed as defined in Section 19-237.

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CHAPTER 19
ZONING

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DIVISION 5. UPPER SWIFT CREEK WATERSHED

Sec. 19-238. Development regulations.

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